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8 Attorney for Plaintiffs

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO/OAKLAND DIVISION

13 **ALAMEDA COUNTY MALE PRISONERS**

14 And Former Prisoners, DANIEL GONZALEZ,  
15 et al. on behalf of themselves and others similarly  
16 situated, as a Class, and Subclass,

17 **PLAINTIFFS,**

18 vs.

19 **ALAMEDA COUNTY SHERIFF'S  
20 OFFICE, et al,**

21 **DEFENDANTS**

22 No. 3:19-cv-07423 JSC

23 **PLAINTIFFS' ADMINISTRATIVE  
24 MOTION FOR CLARIFICATION OF  
25 THIS COURT'S ORDER RE:  
26 CERTIFICATION OF A RULE  
27 23(B)(2) CLASS (ECF 312);  
28 DECLARATION OF YOLANDA  
HUANG, AND (PROPOSED) ORDER**

Hon. Jacqueline Scott Corley, Presiding

Trial Date:

29 **I. INTRODUCTION**

30 Plaintiffs respectfully seek an Order from the Court clarifying that the class which has been  
31 certified in this action consists of both male and female detainees at the Santa Rita Jail.  
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1           **II. STATEMENT OF PERTINENT FACTS AND PROCEDURAL HISTORY**

2           On August 31, 2023, the Court issued its Order Re: Certification of a Rule 23(B)(2) Class.  
 3 (ECF 312). For purposes of this Administrative Motion for Clarification, the pertinent portions of  
 4 the Order are the following:

5           “Accordingly, the Court CERTIFIES a class under Rule 23(b)(2) of all *male* detainees who  
 6 are now, or will in the future be, subjected to the following sanitation policies and practices of Santa  
 7 Rita Jail:

8           1. The Jail’s policy requiring inmates to maintain the sanitation of their own cells and  
 9 common areas, but failing to have a policy or practice which provides inmates with adequate  
 10 sanitation supplies, or a policy for addressing inmates housed with those who cannot functionally  
 11 maintain their own sanitation because of mental health issues, which impacts sanitation for all  
 12 inmates within that congregate housing area.

13           2. The Jail’s policy of not providing bathrooms in the common areas, and inmates’  
 14 difficulties obtaining access to bathroom areas during POD or out-of-cell time.

15           (ECF 312, pg. 1:19-27)(Emphasis added).

16           However, on February 5, 2021, the Hon. James Donato issued an order in the case of  
 17 *Mohrbacher, et al. v. Alameda County Sheriff’s Office, et al.*, C-18-00050-JD, stating that his Court  
 18 “will handle all claims based on gender-specific allegations for female inmates.” (See Civil  
 19 Minutes, ECF 184, from the Mohrbacher case, attached as Exhibit A to the Declaration of Yolanda  
 20 Huang). It was understood that this Court, in the *Gonzalez* case, would be responsible for  
 21 adjudicating all claims of female inmates at the Santa Rita Jail that were not gender-specific claims  
 22 and which were claims otherwise falling within the ambit of this Court’s class certification order.  
 23 (Huang Decl.). *See also*, Plaintiffs’ Fifth Amended Complaint, pg. 2:13-19. (ECF 180).

1 Plaintiffs' motion for class certification was inclusive of all inmates in Santa Rita Jail, and  
 2 did not distinguish between male or female inmates with regard to sanitation. Plaintiffs' motion  
 3 requested that the Court certifying a class of "All adults who have been incarcerated anytime  
 4 between November 19, 2017 and the final resolution of this lawsuit, in Santa Rita Jail". (ECF 225,  
 5 p.2, l. 2). The policies of Alameda County Santa Rita Jail requiring inmates' to maintain the  
 6 sanitation of their own cells do not differentiate between male and female inmates. The supplies  
 7 provided by the jail for sanitation are identical for all inmates and the jail does not differentiate  
 8 between male and female inmates. The architecture and lack of bathrooms in housing units and  
 9 common areas are the same in all housing units, and housing units are used interchangeably for male  
 10 and female inmates. In fact, Housing Unit 21 is half female and half male. (See Dec. Y Huang).  
 11 Accordingly, Plaintiffs respectfully request that the Court issue an Order stating that the Class  
 12 Certification in this case applies to both male and female detainees at the Santa Rita Jail.  
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15 **III. REQUESTS FOR CLARIFICATION ARE APPROPRIATE TO CLARIFY A  
 16 LITIGANT'S DUTY**

18 While there is no specific Federal Rule of Civil Procedure which governs requests for  
 19 clarification, *United States v. Philip Morris USA, Inc* 793 F. Supp. 2d 165 (DC Dist. Ct. 2011);  
 20 applying to the Courts for clarification is appropriate to clarify a litigant's duty. See *Regal Knitwear  
 21 Co. v. NLRB*, 324 U.S. 9, 15 (1945) ("...we think courts would not be apt to withhold a clarification  
 22 in the light of a concrete situation that left parties or "successors and assigns" in the dark as to their  
 23 duty toward the court.")

24 Fed. R. Civ. P. 60(a) also provides in pertinent part that "the court may correct a clerical  
 25 mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order,  
 26 or other part of the record. The court may do so on motion or on its own, with or without notice."  
 27 The Court has authority to modify its own interlocutory orders even when a motion for clarification  
 28

1 does not meet the requirements for a motion for reconsideration. *Nancy Zhang v. Realty*, 2022 U.S.  
2 Dist. LEXIS 218965, at 7-8 (C.D. Cal. August 24, 2022).

3 **III. CONCLUSION**

4 For the reasons set forth herein and in the attached Declaration of Yolanda Huang, Plaintiffs  
5 respectfully request that the Court issue an order stating that the Class Certification in this case  
6 applies to both male and female detainees at the Santa Rita Jail.

7 DATED: September 22, 2023                   LAW OFFICE OF YOLANDA HUANG

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9  
10   /s/ Yolanda Huang  
11   Yolanda Huang